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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,604	12/28/2000	Tadakatsu Izumi	F-6803	6756

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Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

ENATSKY, AARON L

ART UNIT PAPER NUMBER

3713

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,604

Applicant(s)

IZUMI, TADAKATSU

Examiner

Aaron L. Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/17/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 2/27/04. The arguments set forth in the response are addressed herein below. Claims 1-3, and 5-7 remain pending. Rejections based upon this prior art are contained herein below. Furthermore, the prior art rejections of record are being maintained for the reasons set forth in the response to argument section herein.

Drawings

New corrected drawings are required in this application because drawings include screen captures that are not considered formal drawings. Drawings are acceptable for examination, but will require formal drawings at the time of allowance. The requirement for corrected drawings will be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, and 5-7 rejected under 35 U.S.C. 102(a) as being anticipated by Junkin '862. Junkin teaches a network game system having a plurality of elements that allows play of a real time game element trading game (Abstract). The network has communication, interactive terminal, servers, and storage devices (Fig. 1). Junkin describes a computer displays a team

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roster database that shows possession information (2:41-42), multiple computers communicating over a network that teach discrimination between machines (Fig. 1 and 2:43-45), a menu for selecting and trading team players (8:66-67) that shows transaction information providing, presentation, selection of elements available for trade. Information updating is taught through real time update of team information (6:25-37).

In re claim 2, a selected game element is removed when possession is obtained from another game participant/machine.

In re claim 3, the game is a predetermined competition of baseball or hockey (4:30).

Response to Arguments

Applicant's arguments filed 2/27/04 have been fully considered but they are not persuasive. Applicant has amended claims to recite that a second game machine has a transaction providing device to provide information *directly* from a first game machine. Applicant also submitted arguments in this regard, stating that the addition of the language *directly*, requires that a first and second game machine precludes any use of an intermediary server device for communication. Examiner believes that the instant language does not preclude use of a server device. The term *directly* could mean that game elements are traded only with each other and not with another (3rd) game machine. However, in terms of network communication this direct communication still uses what ever is standard for enabling the communication between the two game machines, i.e. in Junkin's case, a server to facilitate the trade. If Applicant wishes to make claim language commensurate in scope with arguments, Applicant should amend claims to specify the two game apparatuses are in a direct physical linkage with each other. Assuming

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arguendo, Applicant amends claims to preclude a server for facilitating direct communication. Examiner believes that the claims would still not read over the art of record. Examiner believes that Applicant's specification details that the game machines can either use a direct physical link or a pseudo direct link for communication in an equivalent sense for trading game elements. Thus, Junkin would still teach Applicant's claimed transaction providing device.

Applicant also reiterates previous arguments regarding simultaneous viewing on both display devices. In Examiner's Office Action of on 10/23/03, Examiner explained that Junkin defined real time game updates and that real time update would allow simultaneous display of status for all participants logged on to the system. Thus, the addition of synchronization described by Applicant is still taught by Junkin.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE


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